

**BOARD FOR CONTRACTORS COMMITTEE
MEETING MINUTES**

The Board for Contractors Committee (The Committee) met on Tuesday May 23, 2006, at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia. The following Committee members were present:

Robert M. Kirby, Chairman
Michael D. Redifer, Vice Chairman
Charles W. Falwell
James A. Hollar
Anthony R. Orange
Ann Rackas Pate

The following DPOR staff attended the meeting:

Jay DeBoer, Director
David Ashe, Chief Deputy Director
Karen O'Neal, Deputy Director
Eric L. Olson, Executive Director
Kevin Hoeft, Regulatory Boards Administrator
Karen Kenney, Administrative Assistant

Chairman Robert Kirby called the meeting to order at 1.05 p.m.

Call To Order

The Meeting Agenda was approved unanimously. Motion made by Mr. Redifer and seconded by Mr. Falwell.

**Approval of
Agenda**

The Minutes from the February 28, 2006, Committee meeting were adopted as drafted by unanimous vote. Motion made by Mr. Hollar, seconded by Mr. Redifer

**Minutes
Adopted**

There was no Public Comment.

Public Comment

Kevin Hoeft updated the Committee on the status of its pending reciprocal examination agreements

Reciprocity Update

The Board is seeking examination reciprocity for its Journeyman and Master Electrical Tradesman licenses with the Kentucky Office of Housing, Buildings and Construction's (KOHBC) Electrician and Master Electrician licenses.

**Kentucky Electrical
Licensing**

KOHBC staff attorney Michael Bennett stated the KOHBC agreed with the proposed examination waiver agreement, and that he only needs to secure the signature of one more Kentucky official. The original agreement was signed by Board Chairman Kinsler and Board Secretary Ware and was mailed to the Kentucky KOHBC.

The Board is seeking examination reciprocity for the Virginia Journeyman and Master Plumbing licenses with the Maryland Board of Plumbing for that state's Journey and Master Plumber/Gas Fitter licenses.

**Maryland Board of
Plumbing**

On September 1, 2005, a cover letter, proposed agreement and enclosures were sent to the Maryland State Board of Plumbing. Virginia Board staff attempted unsuccessfully several times to contact Maryland Board staff seeking an update on this proposed agreement. The Committee recommended on February 28, 2006, that this proposed agreement be put on hold.

Mr. Hoeft reported that a member of the Maryland Board called him recently to express interest in continuing to seek examination reciprocity between the two boards. The Committee agreed to have staff continue to seek examination reciprocity.

Mr. Orange inquired of the status of staff's efforts to seek additional reciprocal licensing and examination agreements with all nearby states. Kevin Hoeft informed the Committee that no new contacts have been made with surrounding states

**Additional Reciprocity
Agreements**

On May 1, 2006, Executive Director Eric Olson sent a Board memorandum to the Board's Public Participation Group mailing list concerning "Pre-license education provider requirements."

**Contractor Pre-license
Education Course and
Provider Requirements
Discussion**

The memorandum stated, in part, that legislation was passed this year that, when promulgated in regulation, will require that firms submitting an application for a contractor license have at least one individual as the Designated Employee or a member of Responsible Management, who has successfully completed an eight hour pre-license education class that has been approved by the Board. This legislation contained an emergency enactment clause requiring that the Board have these regulations in place within 280 days of its enactment.

In order to meet the 280 day requirement, the Board adopted emergency regulations at its meeting on May 23, 2006. The Committee of the Board for Contractors, as part of its May 23, 2006, agenda, will develop criteria for the approval of pre-license education courses and providers. These criteria will be reviewed and approved by the Board prior to the promulgation of the emergency regulations. This Committee meeting is open to the public and there will be a public comment period to discuss pre-license education course and provider requirements.

The following individuals provided public comment:

Michael Toalson, Executive Vice President of the Home Builders Association of Virginia (HBAV), recommended that the proposed emergency regulations' language conform to the statutory requirements in that the pre-license education class "shall not exceed eight hours of classroom instruction." Mr. Toalson added that the HBAV supports the requirement that prospective Virginia licensed contractors complete a basic business class that will better prepare them for the challenges associated with operating a contracting business, such as knowledge of the different business entity types, insurance, licensing and bonding requirements, financial reporting, personnel, contracts, permits and recordkeeping.

Robert Gregory, President of Contractors Institute, Inc. concurred with Mr. Toalson's comments. Mr. Gregory also noted that the Board's eight-hour Basic Contractor Licensing Class (BCLC), which is taught at Virginia Community Colleges and approved by the Board as a remedial education requirement for licensed contractors, meets the intent of the statute as an eight-hour basic business course. Mr. Gregory added that the BCLC provides instruction on estimating, bidding, risk management, employment law, accounting, business organization, liability and taxes, among other things. Mr. Gregory recommended that the content of Board-approved pre-license education courses be consistent.

Laurie Crigler of the Plumbing and Mechanical Professionals of Virginia (PMPV) concurred with the statements of Mr. Toalson and Mr. Gregory.

Kevin Hoeft provided the Committee with a handout describing the BCLC's goals, learning objectives, course description, course outline and top eight Board regulatory violations when the BCLC was initially approved by the Board as a remedial education course in June 2002.

Sharon Sweet, DPOR Director of Education and Examinations, provided the Committee with a brief history and status of the BCLC, and she recommended that the Board accept completion of the BCLC as meeting the eight-hour basic business course pre-license education requirement for prospective Virginia contractors.

After discussion, and a motion by Mr. Hollar, seconded by Mr. Redifer, the Committee unanimously recommended that the BCLC be approved by the Board as meeting the eight-hour basic business course pre-license education requirement for prospective Virginia contractors. Mr. Kirby added that the name, "Basic Contractor Licensing Class" should be changed to include the word "Business" to reduce confusion and promote standardization.

Executive Director Eric Olson provided the Committee with information pertaining to the Board's Elevator Mechanic Certification program, which went into effect on July 1, 2005.

**Elevator Mechanic
Training Program
Discussion**

The Board's "Individual License and Certification Regulations" (currently known as "Tradesman Regulations") received final Board approval on April 26, 2006, and should become effective sometime in the Summer or Fall of 2006. These regulations will include an entry examination and a continuing education requirement for renewal for Certified Elevator Mechanics.

Mr. Olson informed the Board that PSI Exams, Inc. has a standard Elevator Mechanic examination that will meet the Board's requirement for an entry examination.

After discussion, and a motion by Mr. Hollar, seconded by Mr. Redifer, the Committee unanimously recommended that the Board authorize Education and Examinations Director Sharon Sweet to include the Elevator Mechanic examination in the Department's next examination contract with PSI Exams, Inc.

Mr. Olson then informed the Committee that the National Association of Elevator Contractors' (NAEC) Certified Elevator Technician (CET) program requires applicants to provide documentation showing five years of practical experience as an elevator technician and to pass the CET examination to become a CET. After discussion and a motion by Mr. Hollar, seconded by Ms. Pate, the Committee unanimously recommended that the Board allow CETs who apply for the Virginia Elevator Mechanic certification to be exempt from taking and

passing the Virginia Elevator Mechanic entry examination.

Mr. Olson then informed the Committee that CETs must complete 10 hours of elevator technician continuing education annually to maintain their certification. The Board's Elevator Mechanic Certification will require eight hours of continuing education every two years to renew. After discussion and a motion by Mr. Hollar, seconded by Mr. Redifer, the Committee unanimously recommended that the Board recognize that continuing education completed by CETs will meet the Virginia Certified Elevator Mechanic renewal continuing education requirement.

After discussion and a motion by Mr. Redifer, seconded by Mr. Falwell, the Committee unanimously recommended that the Board approve the Criminal and Financial History Application Review Matrixes as amended in the attached documents.

The Committee reviewed the Board for Contractors Policies, effective March 29, 2006, and recommended making no changes.

Mr. Hoeft informed the Committee that the Board will need an entry examination by July 1, 2007, for its Water Well Systems Provider certification program. After discussion, and a motion by Mr. Redifer, seconded by Mr. Hollar, the Committee unanimously recommended that the Board authorize Education and Examinations Director Sharon Sweet to request that PSI Exams, Inc. develop a Water Well Systems Provider examination in the Department's next examination contract with PSI Exams, Inc.

The Committee elected officers. Mr. Falwell nominated Mr. Kirby to continue to serve as Chairman and Mr. Redifer to continue to serve as Vice Chairman. Mr. Orange seconded the nomination. The vote was unanimous.

There was no old business.

There was no new business.

Chairman Kirby entertained a motion to adjourn from Mr. Orange, seconded by Mr. Hollar and approved unanimously by the Committee. The meeting adjourned at 3:05 p.m.

Criminal and
Financial History
Application Review
Matrix Discussion

Board for Contractors
Policies Review

Water Well Systems
Providers
Examination Question

Election of Committee
Officers

Old Business

New Business

Adjourn


Robert M. Kirby, Chairman

August 23, 2006
Date

Attachment Number 1

BOARD FOR CONTRACTORS APPLICATION REVIEW MATRIX CRIMINAL HISTORY

May 23, 2006, Proposed Amendments

The following convictions will not be reviewed by the Board:

1. Felony convictions, ~~not involving moral turpitude~~, more than ten years old with no subsequent reportable convictions, unless the conviction resulted in incarceration where the release date is less than three years from the application date. This does not include convictions involving murder, manslaughter, sexual assault, rape, robbery, or indecent liberties.
2. Misdemeanor convictions more than three years from the date of application.
3. Misdemeanor convictions for possession of a controlled substance with no other convictions.
4. Felony convictions for possession of controlled substance more than ~~three~~ two years old, where the applicant has completed a deterrence program.
5. Felony convictions of Title 46 of the Code of Virginia (Traffic Code) more than three years old.
6. Single Misdemeanor convictions (~~same date~~) for ~~drunk in public~~, simple assault (except domestic assault), disorderly conduct, and/or trespassing.
7. Convictions of larceny, breaking and entering, and/or burglary, more than five years old with no subsequent convictions, provided they did not result in incarceration where the release date is less than three years from the application date.
8. DUI convictions where the applicant has completed VASAP or another similar program accepted by the court or DMV after the latest conviction

Attachment Number 2

BOARD FOR CONTRACTORS APPLICATION REVIEW MATRIX Financial History

May 23, 2006, Proposed Amendments

The following situations will not be reviewed by the Board:

1. Judgments and claims from medical providers as a result of treatment of the applicant or a dependant of an applicant.
2. Judgments and past due debts against a Qualified Individual (who is not a member of Responsible Management or the Designated Employee)
3. IRS and Virginia Department of Taxation 1040 debts where a payment plan is in place and at least four payments have been made in accordance with the plan. ~~ALL 941 withholding debts must go to an IFF.~~
4. Child support arrearages ~~of less than \$15,000~~ where payment arrangements have been made and a documented history of payment, including garnishment, of at least six months, has been made in accordance with the arrangements.
5. Past due debts, including personal bankruptcy, and judgments of the officers of a corporation or members of an LLC, which were personal in nature and did not involve the business of contracting (i.e., bills owed to suppliers, subcontractors, etc.)
6. Past due debts, including personal bankruptcy, of sole proprietors and partners of a partnership, which were personal in nature (not business related), and where either payment has been made or a payment plan has been implemented and in which a history (at least two payments) can be documented.